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c Pr20 Institute of Municipal Assessors Act, 1987

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CHAPTER Pr20

An Act respecting the Institute of Municipal Assessors of Ontario

Assented to June 29th, 1987

Whereas the Institute of Municipal Assessors of Ontario hereby represents that it was incorporated under the laws of Ontario by letters patent dated the 27th day of May, 1957; that the Institute is desirous of being continued as a corporation for the purpose of carrying out the objects of the Institute and of the government and discipline of its members; that the Institute considers it desirable to grant to members of the Institute the exclusive right to use the designations “Member Institute of Municipal Assessors” and the abbreviation thereof, “M.I.M.A.”, and certain variations thereof as set out in section 7; and whereas the Institute hereby applies for special legislation for such purposes; and whereas it is expedient to grant the application;

Preamble

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Definitions

“board” means the board of directors of the Institute;

“Institute” means the Institute of Municipal Assessors of Ontario;

“registered” means registered as a member under this Act and
“registration” has a corresponding meaning;

“registrar” means the registrar of the Institute.

2.—(1) The corporation known as the Institute of Municipal Assessors of Ontario is hereby continued as a corporation without share capital and the persons registered as members of the Institute on the day this Act comes into force and such other persons as hereafter become members of the Institute constitute the corporation.

Institute
continued

Board
continued

(2) The members of the board and the officers of the Institute in office immediately before the coming into force of this Act are hereby continued in office until their successors are elected or appointed in accordance with this Act and the by-laws of the Institute.

Letters
patent
revoked

(3) The letters patent of the Institute are revoked, but the revocation does not affect the rights or obligations of the Institute or any by-law, resolution or appointment of the Institute except to the extent that the by-law, resolution or appointment is inconsistent with this Act.

Special Act
incorporation

(4) The Institute shall be deemed to be a corporation incorporated by a special Act.

Objects

3. The objects of the Institute are,

- (a) to strive for, establish and maintain standards of competence in real property valuation, primarily in municipal assessment;
- (b) to foster and support intellectual interchange in matters of real property valuation and assessment by collecting, publishing and distributing papers and articles and by holding conferences and seminars;
- (c) to encourage and support scholarship by establishing, maintaining and conducting programs of instruction in real property valuation and municipal assessment and to provide formal training and educational facilities;
- (d) to establish funds, scholarships, bursaries and grants in aid for support or recognition of scholars, students, teachers, educational institutions, and other persons and organizations engaged in real property valuation and municipal assessment and to provide for the administration, management and investment of money held for such purposes;
- (e) to establish standards of competency and to hold examinations and prescribe tests for admission to membership and provide for the classification of membership in the Institute and levels of accreditation related to competence and experience;
- (f) to enter into agreements and co-operate with other institutions with similar objectives; and

- (g) to maintain discipline among members and students and to impose sanctions including the withdrawal or suspension of accreditation in the Institute.

4.—(1) The affairs of the Institute shall be managed by a board of directors. Board of directors

(2) The board shall be made up of not fewer than ten or more than thirty-five members of the Institute, as the board may determine by by-law, and shall consist of, Composition

- (a) the immediate past president of the Institute, *ex officio*;
- (b) the president, first vice-president, second vice-president and third vice-president elected by and from the total membership of the Institute; and
- (c) one person elected by and from the membership of each geographical district established by the board.

(3) The manner of electing the members of the board, the notification to the electors of the time and place of holding elections, the nomination of candidates, the presiding officers at elections, the taking and counting of votes, the giving of a casting vote in the case of an equality of votes and other necessary details shall be set out in the by-laws of the Institute. Election of board members

(4) The Institute may by by-law establish the term of office of the members of the board, not exceeding two years, and may provide for the election and retirement of the members in rotation. Term

(5) At any meeting of the board, a majority of the members of the board constitutes a quorum. Quorum

(6) The board shall appoint a secretary, a treasurer and a registrar, none of whom need be directors and one person may hold more than one of the offices. Offices

(7) The board may appoint such other persons as are necessary to perform the work of the Institute. Idem

(8) In the case of the death, resignation or incapacity of any member of the board, the office shall be declared vacant by the board and the board shall fill the vacancy in such manner as may be provided by the by-laws of the Institute for the balance of the term. Vacancies

Registrar

(9) The registrar shall perform the functions assigned to the registrar by this Act and such other duties as may be assigned to the registrar by the board.

By-laws

5.—(1) The board may pass by-laws regarding such matters as are necessary to conduct the business and carry out the objects of the Institute and, without restricting the generality of the foregoing, the board may pass by-laws,

- (a) establishing the qualifications for and conditions of registration for members;
- (b) establishing a curriculum and courses of study to be pursued by students and members and the subjects upon which students and members of the Institute shall be examined and for granting certificates to students and candidates who have successfully passed the examinations;
- (c) regulating and governing the conduct of members of the Institute in the practice of their business, vocation or profession, by prescribing a code of ethics, rules of professional conduct and standards of practice, and by providing for the suspension, expulsion or other penalty for professional misconduct, incapacity or incompetence;
- (d) prescribing fees payable to the Institute;
- (e) governing the calling, holding and conducting of meetings of the board and of the members of the Institute;
- (f) authorizing the spending of funds and making of grants for the promotion of its objects;
- (g) to provide for the establishment of defined geographical districts within which the members resident or employed therein shall be entitled to elect a member to serve on the board as a director;
- (h) to provide for the nomination and the election of officers and directors by mail;
- (i) to provide for the protection and indemnity of directors, officers and officials acting for the benefit of and on behalf of the Institute; and
- (j) to implement any matter authorized by the objects of the Institute.

(2) A by-law passed under subsection (1) and a repeal, amendment or re-enactment thereof, unless in the meantime confirmed at a general meeting of the members duly called for that purpose, is effective only until the next annual meeting of the members unless confirmed thereat, and, in default of confirmation thereat, ceases to have effect at and from that time, and in that case no new by-law of the same or like substance has any effect until confirmed at a general meeting of the members.

Confirmation
of by-law

6.—(1) The Institute shall grant a membership in the Institute to any individual who applies therefor in accordance with the by-laws, if the individual,

Membership
in Institute

- (a) is not less than eighteen years of age;
- (b) has complied with the academic and experience requirements specified in the by-laws of the Institute for the issuance of membership; and
- (c) has obtained such qualifications as the board may set or approve in accordance with the by-laws of the Institute.

(2) The registrar shall keep a register in which shall be entered the names of all members of the Institute in good standing and only those persons so registered are members entitled to the privileges of membership in the Institute.

Register

(3) The register shall be open to examination by the public at the head office of the Institute during normal office hours.

Inspection of
register

(4) Any person who has been refused membership or who has been subject to a disciplinary sanction under the by-laws of the Institute may appeal to the Divisional Court, in accordance with the rules of the court, from the refusal or from the sanction.

Appeal

(5) Upon the request of a party desiring to appeal to the Divisional Court and upon payment of a reasonable fee therefor, the registrar shall furnish the party with a certified copy of the record of the proceedings, including the documents received in evidence and the decision or order appealed from.

Certified
copy of
record

(6) An appeal under this section may be made on questions of law or fact or both and the court may affirm or may rescind the decision of the board appealed from and may exercise all powers of the board and may direct the board to take any action which the board may take and as the court considers proper, and for such purposes, the court may substitute its

Powers of
court on
appeal

opinion for that of the board or the court may refer the matter back to the board for rehearing, in whole or in part, in accordance with such directions as the court considers proper.

Designation

7.—(1) Every registered member of the Institute who has satisfied the criteria for a category of membership as set out in the by-laws of the Institute may use the designation “Member Institute of Municipal Assessors”, “Associate Member Institute of Municipal Assessors”, “Honorary Member Institute of Municipal Assessors”, “Life Member Institute of Municipal Assessors” or “Fellow of the Institute of Municipal Assessors”, as the case may be, and may use after the member’s name the initials “M.I.M.A.”, “A.I.M.A.”, “M.I.M.A.(Hon.)”, “M.I.M.A.(Life)” or “F.I.M.A.”, respectively.

Offence

(2) Any person in Ontario who, not being a registered member of the Institute, takes or uses any designation or any set of initials referred to in subsection (1) either alone or in combination with any other word, name, title, initial or description, or implies, suggest or holds out that he or she is a member, associate member, honorary member or life member of the Institute or a fellow thereof is guilty of an offence.

Evidence

(3) In every case where registration is an issue, the production of a copy of the register, certified under the hand of the registrar, is sufficient evidence of all persons who are registered in lieu of the production of the original register and any certified copy purporting to be signed by a person in that person’s capacity as registrar is proof, in the absence of evidence to the contrary, that such a person is the registrar without any proof of that person’s signature or that the person is the registrar.

Idem

(4) The absence of the name of any person from a copy of the register produced under subsection (3) is proof, in the absence of evidence to the contrary, that the person is not registered.

Right to practice unaffected

8. This Act does not affect or interfere with the right of any person who is not a member of the Institute to practice as a municipal assessor in the Province of Ontario.

Surplus

9. Any surplus derived from carrying on the affairs and business of the Institute shall be devoted and applied solely in promoting and carrying out its objects and purposes and shall not be divided among its members.

10. This Act comes into force on the day it receives Royal Assent. Commence-
ment

11. The short title of this Act is the *Institute of Municipal Assessors Act, 1987*. Short title

